

SERVICE DATE - LATE RELEASE OCTOBER 30, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 41191 (Sub-No. 1)

AEP TEXAS NORTH COMPANY

v.

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

Decided: October 30, 2003

By complaint filed and served on defendant The Burlington Northern and Santa Fe Railway Company (BNSF) on August 11, 2003, AEP Texas North Company (AEP Texas)¹ alleges that the carrier's rates for the movement of coal from origins in the Powder River Basin of Wyoming to AEP Texas's Oklaunion Generating Station, located near Vernon, TX, are unreasonably high.

By letter filed on October 29, 2003, former Congressman John R. Thune, the Board appointed mediator for this proceeding, has requested that the mediation process be extended through November 4, 2003. Mediator Thune states that both BNSF and AEP Texas have agreed to the extension. The mediator reports that productive meetings have been held and states that an extension of the mediation period may help the parties reach an agreeable resolution of this matter.

Under 49 CFR 1109.4(e), the Board will entertain requests to extend mediation, but only if all parties agree to seek an extension. Given that both parties support continuing mediation and good cause for an extension of the mediation period has been shown, the extension will be granted. The Board prefers privately negotiated settlements and appreciates both the mediator's efforts and the parties' attempts to resolve what is essentially a commercial dispute in a mediated setting.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The request to extend the mediation period is granted and mediation is extended through November 4, 2003.

¹ AEP Texas is the successor in interest to West Texas Utilities Company.

2. This decision is effective on its service date.

By the Board, Chairman Nober.

Vernon A. Williams
Secretary